

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	2:05-CR-0078-PMP-GWF
)	
v.)	
)	
SDI FUTURE HEALTH, INC., TODD)	<u>O R D E R</u>
STUART KAPLAN, and JACK BRUNK,)	
)	
Defendants.)	
_____)	

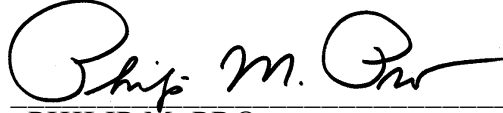
Before the Court for consideration are the Findings and Recommendations (#126) of Magistrate Judge George Foley, Jr., regarding Defendants' Motion Requesting an Evidentiary Hearing Regarding the Government's Intrusions Into Defendants' Privileged Information (#39). Objections to Magistrate Judge Foley's Findings and Recommendations were filed by the Government (#130) on October 26, 2006, and by Defendants (#131) on October 31, 2006, in accord with Local Rule IB 3-2.

The Court has conducted a de novo review of the record in this case in accordance with 28 U.S.C. § 636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Findings and Recommendations of the United States Magistrate Judge should be affirmed.

IT IS THEREFORE ORDERED that Magistrate Judge Foley's Findings and Recommendations (#126) are affirmed, the Objections are overruled, and Defendants' Motion Requesting an Evidentiary Hearing Regarding the Government's Intrusions Into

1 Defendants' Privileged Information (#39) is denied. Counsel for the parties shall comply
2 with Magistrate Judge Foley's recommendation that the parties forthwith brief their
3 respective positions on the attorney-client privilege regarding the documents that Defendant
4 SDI's counsel identified in his February 5, 8 and 21, 2002, letters to the Government, and
5 that the Government set forth its position regarding application of the "crime fraud"
6 exception as to any documents otherwise deemed to be privileged. In this regard, Defendant
7 shall file their brief not later than December 20, and Plaintiff United States shall file its
8 Response by January 5, 2007. Defendant shall file any Reply Memorandum not later than
9 January 16, 2007.

10
11
12 DATED: November 28, 2006

13
14 

15 PHILIP M. PRO
16 Chief United States District Judge
17
18
19
20
21
22
23
24
25
26